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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91219925
Party	Defendant Axissoft Corporation
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Date	01/29/2015
Attachments	Answer, StarPlayer.pdf(28629 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

STARZ ENTERTAINMENT, LLC,

Opposer,

v.

AXISISOFT CORPORATION,

Applicant.

Opposition No. 91219925

In The Matter of
Trademark Application No. 86/313,310

Mark: starplayer

ANSWER TO NOTICE OF OPPOSITION

AXISISOFT CORPORATION (“Applicant”) hereby submits this Answer to the Notice of Opposition (the “Notice”) filed by STARZ ENTERTAINMENT, LLC (“Opposer”) in the above referenced matter. Applicant denies any allegations not expressly admitted and responds to the Notice as follows:

In response to the preamble of the Notice, Applicant admits that it owns Application Serial No. 86/313,310 for "starplayer" (the “STARPLAYER Trademark”) filed June 18, 2014 for the goods referenced therein. Applicant is without sufficient knowledge either to admit or deny the remaining allegations in the preamble.

With respect to the numbered paragraphs of the Notice, Applicant answers as follows:

1. Applicant is without sufficient knowledge either to admit or deny the allegations in Paragraph 1 of the Notice.

2. Applicant is without sufficient knowledge either to admit or deny the allegations in Paragraph 2 of the Notice.

3. Applicant admits that according to the online records of the PTO available to Applicant, Opposer is identified as the owner of the listed trademarks. Applicant denies the remaining allegations in Paragraph 3 of Notice.

4. Applicant is without sufficient knowledge either to admit or deny the allegations in Paragraph 4 of the Notice.

5. Applicant is without sufficient knowledge either to admit or deny the allegations in Paragraph 5 of the Notice.

6. Applicant is without sufficient knowledge either to admit or deny the allegations in Paragraph 6 of the Notice.

7. Applicant admits that Applicant filed Serial No. 86/313,310 which is the subject of this Opposition, on June 18, 2014, for STARPLAYER for use in connection with the following goods in International Class 9: “Downloadable computer programs for document management, computer operating software, software application for mobile phone used to manage documents, computer game programs, computer software used to play games, downloadable e-books in the field of computer games, pre-recorded electronic media excluding music featuring e-books in the field of computer games, software application used to play video files.” Applicant admits that Opposer presently opposes the registration of

“software application used to play video files” in International Class 9. The application was filed on a 44(e) basis, based upon South Korea Trademark Registration Number 40-0956788.

8. Opposer alleges that Opposer adopted and used its Starz Entertainment Marks well prior to Applicant's filing date of June 18, 2014. Applicant is without sufficient knowledge either to admit or deny the remaining allegations in Paragraph 8 of the Notice.

9. Applicant denies the allegations in Paragraph 9 of the Notice.

10. Applicant denies the allegations in Paragraph 10 of the Notice.

11. Applicant denies the allegations in Paragraph 11 of the Notice.

12. Applicant admits that if Application Serial No. 86/313,310 for STARPLAYER is permitted to register for “software application used to play video files” in International Class 9, the registration by Applicant would presumptively entitle it to *prima facie* exclusive ownership and rights to the mark STARPLAYER. Applicant denies the remaining allegations in Paragraph 12 of the Notice.

AFFIRMATIVE DEFENSES

1. The Notice fails to set forth facts sufficient to entitle Opposer to the relief sought.

2. The Notice fails to state a claim upon which relief can be granted.

Applicant reserves the right to amend its Answer to add additional or other affirmative defenses as may become necessary after a reasonable opportunity for appropriate discovery.

WHEREFORE, Applicant respectfully requests that the Notice be dismissed with prejudice, and that the registration sought by application Serial No. 86/313,310 be granted.

Respectfully submitted,

Dated: January 29, 2015

By: /John K. Park/ .

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CERTIFICATE OF SERVICE

I certify that a true copy of the attached **ANSWER TO NOTICE OF OPPOSITION** was served on Opposer's Attorney of Record on January 29, 2015, via first-class mail, addressed as follows:

Ian L. Saffer
Kilpatrick Townsend & Stockton LLP
1400 Wewatta Street, Suite 600
Denver, CO 80202

Dated: January 29, 2015

By: /John K. Park/ .
John K. Park
Attorneys for Applicant

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CERTIFICATE OF TRANSMITTAL

I certify that a true copy of the attached **ANSWER TO NOTICE OF OPPOSITION** is
being filed electronically with the PTO via ESTTA on January 29, 2015.

Dated: January 29, 2015

By: /John K. Park/ .
John K. Park
Attorneys for Applicant